

MINUTES

Dentist/Dental Hygienists Licensing Board

June 16, 2006

Room 474 (formerly 4A)

160 E 300 S Heber Wells Bldg

Convened: 8:20 a.m.

Adjourned: 11:45 a.m.

Division Staff Present:

Division Director

Bureau Manager

Attorney General

Board Secretary

J. Craig Jackson

Daniel T. Jones

Mitchell Jones

Lee Avery

Members Present:

Brian Lundberg, DDS, Chairperson

Anna Policelli RDH,

Stephen Morgan, DDS

Brent Larson, DDS

Pamela Jolley

James Ence, DDS

Members Excused:

Alexander Larsen, DDS

Karen Bateman, RDH

Joseph Mirci, DDS

Guests Present:

Monte Thompson, DDS

Robert Goupios

Douglas Grassi, DDS

TOPIC OF DISCUSSION

Minutes

DECISIONS & RECOMMENDATIONS

The minutes for May 19, 2006 were reviewed.

Dr. Brent Larson motioned to accept the minutes with changes, seconded by Ms. Policelli

The motion carried unanimously.

Appointments:

Dr. David Hendrickson, New Probation
Interview

Dr. Hendrickson presented himself to the Board with his attorney John P. Sampson. Dr. Brent Larson conducted the interview.

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Mr. Sampson gave the Board a copy of a letter for the Board's review. Mr. Sampson advised the Board Dr. Hendrickson is requesting his stipulation be modified.

#1. License showing revoked and placed on probation.

This has caused a hardship with the hospitals and insurance companies and Dr. Hendrickson would like the wording changed.

The Board discussed Dr. Hendrickson's request in detail and noted many probationers have expressed concern regarding financial hardships when their license is placed on probation. To keep probation requirements consistent with all probationers under the same circumstances the Board is unable to make this change. However Mr. Jones does have a letter he can provide Dr. Hendrickson for these agencies stating Dr. Hendrickson is in compliance with his probation requirements.

#2. Restrain from issuing any prescriptions to himself or to extended family members.

Dr. Hendrickson is requesting this be limited to the controlled-substance issues only as he treats some family members for dentistry.

The Board stated Dr. Hendrickson can still prescribe inflammatory and antibiotics and declined to make any changes with legend drugs at this time. Dr. Hendrickson stated he has family members who are in need of extensive help right now. The Board would consider amending this part of his probation however he needed to establish a history with the Board first. The Board suggested Dr. Hendrickson get with his supervising dentist for the needed controlled substance prescriptions. The Board requested Dr. Hendrickson bring in charts for its review

#3. Complete the Physician Assessment and Clinical Education course at the University of San Diego.

Dr. Hendrickson has done certain work regarding this course and believes there is a more appropriate course.

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The Board asked Dr. Hendrickson to present it with information from another course and the Board would consider approving it.

#4. Maintain triplicate, serially numbered prescription forms which have been inspected and pre-approved by the Board and Division and if the prescription is made by telephone, keep a log, include all information as on a written prescription.

Dr. Hendrickson wishes to work with the Board in arranging some more practical way of handling all numbered prescription forms that will also account for emergency phone in prescriptions.

Dr. Hendrickson noted his office is presently using a computer program.

After reviewing Dr. Hendrickson's examples the Board advised Dr. Hendrickson right now its concern is with trackability and to start an in-house sequential numbering, starting with number one (#1), then research his computer program to see if it will print a list with numbers and bring with him when he meets with the Board in August. The Board reminded Dr. Hendrickson to keep copies in patients files and when he needs to phone in a prescription in an emergency situation, to enter this in his computer program, when he gets back to the office, placing a copy in the patients file. The Board asked to see Dr. Hendrickson's practice plan when he meets with it in August.

The Board reminded Dr. Hendrickson he needed to get a supervising dentist and make sure this dentist, and Dr. Hendrickson's staff knows about Dr. Hendrickson's history. The Board noted Dr. Hendrickson's supervision will be minimal. The Board asked to see Dr. Hendrickson in August 2006.

Dr. Kraig Ford, Probation Interview

Dr. Ford presented himself to the Board. Dr. Brent Larson conducted the interview. Dr. Ford advised the Board there were no changes in his practice and things were going ok.

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Dr. Rochelle Rasmussen, Probation
Interview

The Board noted Dr. Ford appears to be doing better. Dr. Ford stated he is concentrating on his family and things were getting better. Dr. Ford stated he does not use nitrous and has no questions with this stipulation. Dr. Ford advised the Board he has completed all of his continuing education requirements and will be signing up for the restoration class this fall, in California.

The Board reminded Dr. Ford to advise new employees of his history and to keep good records. The Board asked to see Dr. Ford in October 2006. **In Compliance**

Dr. Rasmussen presented herself to the Board. Ms. Policelli conducted the interview. Dr. Rasmussen reviewed with the Board the reasons her license was placed on probation, noting she is having problems obtaining the required number of hours in the ethics course. The course on the internet does not meet the hourly requirement stated in her stipulation. After further discussion the Board stated it would accept a three (3) hour semester course at Weber State. The hours are calculated at ten (10) hours making this a thirty (30) hour course. The Board also noted there is an ethics course in Oregon the Board has accepted in the past, however this does require traveling.

The Board noted Dr. Rasmussen is Dr. Fifield's employer and needs to be involved in his stipulation as she has some liability with his actions. The Board noted this is a unique situation. The Board advised Dr. Rasmussen it's a common problem for insurance companies to remove probationer's from their provider lists. The Board asked to see Dr. Rasmussen in October 2006. **In Compliance.**

Dr. John Day, Request reinstatement to
full license

Dr. Day presented himself to the Board. Mr. Jones advised the Board this meeting requested by Dr. Day and is not a probation interview.

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Dr. Day's information was included in the probationers paperwork for the Boards information. Dr. Day stated he is requesting the Board terminate his probation at this time. Dr. Day noted it has been three (3) years since his license was placed on probation. Dr. Day stated the problem with his license was expunged and the Board does not know why he is before it. The Board acknowledge his situation is unique and it is working in the dark. And because of this the Board is working on the worse case scenario. Dr. Ence noted out of nine (9) interviews, Dr. Day has been in compliance six (6) times.

The Board stated it is charged with the responsibility of protecting the public and the only time it terminated probation early was for a doctor who had become terminally ill and left the state. After further discussion, **Dr. Ence motioned to not set precedence and declined Dr. Day's request, seconded by Dr. Morgan. The motion carried unanimously.**

Discussion:

Dr. John Day request to have nitrous reinstated

Dr. Day asked the Board to consider reinstating his usage of nitrous. After further discussion, Dr. Ence motioned to amend Dr. Day's stipulation to allow Dr. Day to use nitrous after Dr. Day submit documentation of attending a nitrous course given by an instructor in nitrous oxide. The Board requested Dr. Day submit patients records showing record of nitrous for its review, seconded by Ms. Jolley. The motion carried unanimously.

Appointment:

Dr. Mark Nichols, Probation Interview

Dr. Nichols presented himself to the Board, Dr. Ence conducted the interview. Dr. Nichols gave the Board a brief history, noting he has been clean since March 3, 2002. His professional probation ends September 2007. Dr. Nichols states he attends support meetings three (3) times a month.

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Dr. Nichols states he continues to see Dr. Wallen and uses Smiths Pharmacy in Ogden. He continues to exercise, jogging three (3) times a week and lifts weights. Dr. Nichols noted his diabetes is back in control again. Dr. Nichols stated things are going good, however the restrictions have been hard, insurance companies have removed him from their provider lists. Dr. Nichols advised the Board he works with Dave Wayment for prescriptions when needed for his patients and usually tries to get by with Ibuprofen first. Dr. Nichols brought copies of his continuing education for the last two (2) years and the signature cards for the support meetings he has attended.

The Board asked to see Dr. Nichols in October.

In Compliance

Discussion:

Discussion

Mitchell Jones, Attorney General Office, advised the Board Dr. Martinez entered into a stipulation with the Division regarding his professional license. Mr. Mitchell Jones stated Dr. Martinez was represented by his attorney. There were some compromises in some areas by the Division as there were many complainants and some of their behavior may have cut into their credibility, especially after the petition was filed. Mr. Mitchell Jones stated there have been no criminal charges at this time.

**Dr. Paul Martinez, New Probation
Interview**

Dr. Martinez presented himself to the Board with his attorney. Dr. Morgan conducted the interview. Dr. Martinez reviewed with the Board the reason his license was placed on probation. Dr. Martinez stated there had been allegations to inappropriate comments and touching with employees and it is stated in his stipulation he cannot treat past or present employees. Dr. Martinez and his attorney expressed concerns regarding the stipulation being released to the public prematurely.

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Mitchell Jones noted the allegations were admitted to in the stipulation. Mitchell Jones also noted when a Government Records Access and Management Act (GRAMA) request was made to this Division and it was completed.

Dr. Martinez stated he had received threats from other patients stating if he does not cancel his bill, they will make more complaints with the Division. After further discussion with Dr. Martinez, the Board reviewed his stipulation with him. Dr. Martinez will contact Mr. Jones regarding information for an ethics course. Dr. Martinez gave the Board copies of the continuing education he has completed. The Board advised Dr. Martinez he will need to submit a practice plan when he meets with it again. Dr. Martinez advised the Board his office staff is his wife and two (2) assistants. No hygienist at this time.

The Board asked Dr. Martinez to contact Dr. Brunson and sign a release for the evaluation that has already been completed and to see Dr. Martinez in September 2006.

Business from Previous Meeting:

Finalize Supervising Dentists discussion,
Dr. Joe Mirci

Dr. Mirci was unable to meet with the Board.

Discussion:

Responsibility for Dental Records – Dr.
Douglas Grassi

Dr. Grassi presented himself to the Board. Dr. Grassi expressed concern regarding the responsibility of keeping patients records when the dentist works under a corporation. Dr. Grassi expressed concerns regarding him not being able to subpoena copies of patient records because the doctors involved claim the records belong to the corporation and the corporation stated the records belong to the doctor. After discussing this in detail, it was noted under

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civil cases the records can be obtained through discovery. If the Division needed the records, they would be obtained through the administrative process. **The Board took no action.**

Letter from Dr. William Pond

The Board reviewed Dr. Ponds letter requesting reinstatement of his controlled substance license. After discussing the Boards concern in detail. Ms. Policelli motioned to deny Dr. Ponds request, seconded by Dr. Brent Larson, two opposed the motion. Mr. Jones will advise Dr. Pond of the Boards decision.

Letter from Dr. Robert Yates

The Board reviewed the letter from Dr. Robert Yates requesting to be removed from probation. After discussing this in detail the Board denied Dr. Yates request. Mr. Jones will advise Dr. Yates of the Boards decision.

Radiology Course review

The Board reviewed the radiology course submitted by the Dental Assistant School of Utah. The Board denied the course because there was not enough information submitted for review. Mr. Jones will advise the course director.

Application Review:

The Board reviewed and approved the application submitted by Dr. Paul Clark Madlock for a Class IV Anesthesia.

Dr. Monte Thompson, Utah Dental Association President expressed a concern regarding a loophole in the statutes and requested this be placed on the agenda for the next Board meeting.

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Dr. Ence motioned to adjourn at 11:45.

Scheduled Board meetings for 2006
July 21 cancelled, August 18, September 15, October
20, November 17, December 15.

The next Board meeting is scheduled for August 18,
2006, July being cancelled.

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Date Approved

Chairperson, Dentist Dental Hygienist Licensing
Board

Date Approved

Bureau Manager, Div. of Occupational &
Professional Licensing